

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 24-89 (JWB/LIB)

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN DAVID DEGELAU,

Defendant.

**GOVERNMENT’S RESPONSE TO
DEFENDANT’S MOTION TO MODIFY
CONDITIONS OF PRETRIAL
RELEASE**

The United States of America, by and through its attorneys, Andrew M. Luger, United States Attorney for the District of Minnesota, and Hillary A. Taylor, Assistant United States Attorney, hereby respond to the Defendant’s motion (ECF No. 25) as follows:

1. The Government and defense did not have an opportunity to meet and confer regarding this motion. The Government became aware of Mr. Degelau’s motion to modify his conditions of pretrial release from his motion filing.

2. Upon discussion with U.S. Probation and Pretrial Services and review of the record and risk factors present in this case, the Government has concerns with the Defendant’s motion. Essentially, the motion seeks two modifications from the Court – one related to a discrete instance in time visiting Mr. Degelau’s grandfather in Minneapolis, and another related to a more broad, blanket modification as it relates to visiting a cabin outside of the 50-mile travel restriction.

3. Regarding the request for permission related to a May 10-11, 2024 overnight visit with his grandfather in Minneapolis, the Government notes that there are no details about where the defendant would stay, whether his grandfather is residing in a location near prohibited places for the defendant (schools, playgrounds, other locations children gather, *e.g.*), and, importantly, whether his U.S. Probation Pretrial Services officer has concerns about the defendant traveling overnight to that particular location. If Mr. Degelau's Pretrial Services officer has no concerns after his thorough review of details of the proposed trip, then the Government does not object.

4. Regarding the broad, blanket modification as it relates to visiting a cabin outside of the 50-mile travel restriction, the Government objects to this request in its current form. Because Mr. Degelau is charged with a serious child pornography crime, under the Adam Walsh Act, Mr. Degelau must be subject to a number of pretrial conditions, including GPS monitoring, specified restrictions on travel, and complying with a specified curfew. *See* 18 U.S.C. § 3142(c)(1). It appears Mr. Degelau would like a modification to travel double the distance to a family cabin located off of Lake Vermillion, Minnesota, at any date and time at-will throughout the duration of pretrial release. The Government understands that Mr. Degelau's Pretrial Services officer has concerns with such a request and agrees with his concerns. As proffered, such a request for modification undermines the careful restrictions imposed on defendants who commit child exploitation crimes. It also is unworkable for the Court's U.S. Probation and Pretrial Services officer to continually expand and contract the zone for Mr. Degelau's GPS without much prior warning, and takes away an important portion of the Court's oversight to have date and time specific

notice of the instances in which the defendant intends to be away from his inclusion zone during his pending case. To the undersigned's knowledge, no child exploitation defendant has been provided such freedom to have at-will, overnight travel outside of their restricted region. It is more common for there to be specific, approved instances by the Court and/or Pretrial Services. Additionally, a "family cabin" to which the defendant can come and go as he desires raises concerns about the ability for Pretrial Services to adequately supervise the defendant. Pretrial Services would likely wish to confirm specific dates in advance whether there will be extended family or friends present at this family cabin that have minor children. Thus, the Government notes that additional details and input from the Pretrial Services officer after his close review is also needed before such a request would be acceptable to the Government.

Dated: May 3, 2024

Respectfully Submitted,

ANDREW M. LUGER
United States Attorney

s/ Hillary A. Taylor

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